

## Florida Minimum Wage Increase to Take Effect on January 1, 2012

December 12, 2011

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Effective January 1, 2012, the Florida minimum wage will be increased to \$7.67 per hour and will continue to surpass the federal minimum wage, which is \$7.25 per hour. Pursuant to the Minimum Wage Amendment to the Florida Constitution, which took effect in 2005, every September the Florida Department of Economic Opportunity is required to calculate and adjust the minimum wage rate by increasing the current minimum wage by the rate of inflation during the preceding twelve month period. The adjusted minimum wage rate calculated is to take effect the following January 1st.

Consistent with federal law, providing that the higher of the state or federal minimum wage prevail, the Florida minimum wage became the standard in Florida when it surpassed the federal minimum wage in June 2011. It will remain this way unless and until a future adjustment to the federal minimum wage makes it greater than Florida's minimum wage.

Tipped employees who meet the eligibility requirements for the tip credit under the Fair Labor Standards Act ("FLSA"), will also see an increase. Generally, employers are entitled to count tips received by eligible employees as wages that count toward the minimum wage. However, the employer must pay tipped employees a direct wage, which is equal to the minimum wage minus the established tip credit. Starting on January 1, 2012, the new direct wage for tipped employees will be \$4.65 per hour.

Both federal and Florida law require employers to post a minimum wage notice in a conspicuous and accessible place in each of their workplaces. Any time the minimum wage is changed employers are required to post new notices reflecting the increase. [Click here](#) to download Florida's minimum wage poster in English and Spanish from the Florida Department of Economic Opportunity's website. For the federal poster, please [click here](#) to access the U.S. Department of Labor's website.

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